STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

EMERGENCY

NOTICE PUBLICATION/REGULATIONS SUBMISSION (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		2009-0824-04EE

For use by Office of Administrative Law (OAL) only

2009 AUG 24 PM 2:57

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Food and Agriculture

AGENCY FILE NUMBER (If any)
PH09058

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Light Brown Apple Moth Interior Quarantine

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2009-0127-01 E and 2009-0217-01 E

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

ADOPT

AMEND
3434(b)

REPEAL

TITLE(S)
3

3. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code §11346)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☐ Emergency (Gov. Code, §11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☒ Emergency Readopt (Gov. Code, §11346.1(h))
- ☐ File & Print
- ☐ Other (Specify) _____
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☐ Effective 30th day after filing with Secretary of State
- ☒ Effective on filing with Secretary of State
- ☐ §100 Changes Without Regulatory Effect
- ☐ Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify) _____

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Stephen S. Brown	(916) 654-1018	(916) 654-1017	sbrown@cdfa.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE
8/24/09

TYPED NAME AND TITLE OF SIGNATORY
Robert L. Wynn, Statewide Coordinator, Pierce's Disease Control Program

For use by Office of Administrative Law (OAL) only

Amendment Effective February 5, 2009

In Title 3, Division 4, Chapter 3, amend subsection 3434(b) to read:

Section 3434. Light Brown Apple Moth Interior Quarantine.

(b) Area Under Quarantine.

(1) In the counties of Alameda, Contra Costa, Marin, San Francisco, San Benito, San Mateo, ~~and~~ Santa Clara and Santa Cruz: Beginning at the intersection of ~~Summit Avenue and Blithedale Ridge Fire Road; then, starting northwesterly along Blithedale Ridge Fire Road to its intersection with Indian Fire Road; then, starting northeasterly along Indian Fire Road to its intersection with Phoenix Road; then, starting northwesterly along Phoenix Road to its intersection with Crown Road; then, starting northwesterly along Crown Road to its intersection with Goodhill Road; then, starting westerly along Goodhill Road to its intersection with the boundary line of the City of Ross; then, starting southwesterly along said boundary line to its intersection with 37.956146 latitude and -122.574792 longitude; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Shafer Grade Road; then, starting southerly along Shafer Grade Road to its intersection with Old Bolinas Fairfax Road; then, starting northerly along Old Bolinas Fairfax Road to its intersection with Sky Oaks Road; then, starting westerly along Sky Oaks Road to its intersection with the boundary line of the Meadows Golf Course; then, starting southwesterly along said boundary line to its intersection with Bolinas Road; then, starting westerly along Bolinas Road to its intersection with~~ Cascade Drive and Whites Hill Preserve; then, starting northwesterly along Whites Hill Preserve to its intersection with Sir Francis Drake Boulevard; then, starting southeasterly along Sir Francis Drake Boulevard to its intersection with Gunsight Fire Road; then, starting northeasterly along Gunsight Fire Road to its intersection with the boundary line of the Loma Alta Preserve; then, starting northwesterly along said boundary line to its intersection with Loma Alta Fire Road; then, starting northeasterly along Loma Alta Fire Road to its intersection with Nunes Fire Road; then, starting northeasterly along Nunes Fire Road to its intersection with Lucas Valley Road; then, starting northwesterly along Lucas Valley Road to its intersection with ~~Westgate Drive; then, starting northerly along Westgate Drive to its~~

~~intersection with Creekside Drive; then, starting southeasterly along Creekside Drive to its intersection with Luiz Fire Road; then, starting northeasterly along Luiz Fire Road to its intersection with Big Rock Ridge Road; then, starting easterly along Big Rock Ridge Road to its intersection with Chicken Shack Fire Road; then, starting easterly along Chicken Shack Fire Road to its intersection with 38.055599 latitude and -122.540164 longitude; then, northeasterly along an imaginary line to its intersection with US Highway 101 and Main Gate Road; then, starting easterly along Main Gate Road to its intersection with the NWP Railroad tracks; then, starting southeasterly along said railroad tracks to its intersection with Miller Creek; then, starting southeasterly along Miller Creek~~ Nicasio Valley Road; then, northwesterly along an imaginary line to its intersection with Point Reyes Petaluma Road and Novato Boulevard; then, northeasterly along an imaginary line to its intersection with the northwestern most point of the boundary of Rancho Olompali State Park; then, starting southeasterly along said park boundary to its intersection with US Highway 101; then, starting southeasterly along said highway to its intersection with 38.153465 latitude and -122.567437 longitude; then, northeasterly along an imaginary line to its intersection with the shoreline of the Petaluma River at 38.158019 latitude and -121.544658 longitude; then, starting southeasterly along said shoreline to its intersection with San Pablo Bay coastline; then, starting southerly along said shoreline to its intersection with Miller Creek; then, easterly along an imaginary line to its intersection with the San Pablo Bay coastline and Refugio Creek; then, starting northeasterly along said coastline to its intersection with the southern shoreline of the Carquinez Straight; then, starting southeasterly along said shoreline to its intersection with Pacheco Creek; then, southeasterly along Pacheco Creek to its intersection with Waterfront Road; then, northeasterly along Waterfront Road to its intersection with Solano Way; then, starting southeasterly along Solano Way to its intersection with Olivera Road; then, starting southeasterly along Olivera Road to its intersection with E Olivera Road; then, southeasterly along E Olivera Road to its intersection with the boundary line of the US Naval Weapons Station Concord; then, starting southeasterly along said boundary line to its intersection with Denkinger Road; then, southwesterly along Denkinger Road to its intersection with Concord Boulevard; then, southeasterly along Concord Boulevard to its

intersection with Yvonne Drive; then, northeasterly along Yvonne Drive to its intersection with Laurel Drive; then, southeasterly along Laurel Drive to its intersection with Old Kirker Pass Road; then, easterly along Old Kirker Pass Road to its intersection with Kirkwood Drive; then, starting southeasterly along Kirkwood Drive to its intersection with Jameson Court; then, starting northeasterly along Jameson Court to its eastern most point; then, southerly along an imaginary line to its intersection with the boundary line of the Oakhurst Country Club at 37.955812 latitude and -121.937638 longitude; then, southwesterly along said boundary line to its intersection with Oakhurst Drive; then, starting easterly along Oakhurst Drive to its intersection with Clayton Road; then, starting westerly along Clayton Road to its intersection with Marsh Creek Road; then, starting southeasterly along Marsh Creek Road to its intersection with Mountaire Parkway; then, starting southerly along Mountaire Parkway to its intersection with Mountaire Circle; then, starting southwesterly along Mountaire Circle to its intersection with Mt Tamalpais Drive; then, southwesterly along Mt Tamalpais Drive to its intersection with the boundary line of Mount Diablo State Park; then, starting westerly along said boundary line to its intersection with point 37.902500 latitude and -121.974244 longitude; then, southwesterly along an imaginary line to its intersection with the southeastern most point of an unnamed road at 37.895716 latitude and -121.980741 longitude; then, starting northwesterly along the unnamed road to its intersection with North Gate Road; then, southwesterly along North Gate Road to its intersection with South Gate Road; then, starting southwesterly along South Gate Road to its intersection with Mt Diablo Scenic Boulevard; then, starting southwesterly along Mt Diablo Scenic Boulevard to its intersection with Blackhawk Road; then, starting southeasterly along Blackhawk Road to its intersection with Crow Canyon Road; then, starting southerly along Crow Canyon Road to its intersection with Alcosta Boulevard; then, southeasterly along Alcosta Boulevard to its intersection with Old Ranch Road; then, starting northeasterly along Old Ranch Road to its intersection with Dougherty Road; then, starting southeasterly along Dougherty Road to its intersection with Fall Creek Road; then, southeasterly along an imaginary line to its intersection with the intersection of 15th Street and Cromwell Avenue; then, starting northerly along Cromwell Avenue to its intersection with Sebille Road; then, starting southeasterly along Sebille

Road to its intersection with an unnamed road at 37.724156 latitude and -121.892239 longitude; then, starting northeasterly along the unnamed road to its intersection with Tassajara Creek; then, easterly along an imaginary line to its intersection with Tassajara Road at 37.729332 latitude and -121.873013 longitude; then starting northerly along Tassajara Road to its intersection with an unnamed road at 37.735579 latitude and -121.867972 longitude; then, southeasterly along an imaginary line to its intersection with the northern most point of Croak Road; then, starting southerly along Croak Road to 37.701896 latitude and -121.841647 longitude; then, southerly along an imaginary line to its intersection with El Charro Road and an unnamed road at 37.688960 latitude and -121.840400 longitude; then, southeasterly along El Charro Road to its intersection with Stanley Boulevard; then, southwesterly along Stanley Boulevard to its intersection with Valley Avenue; then, starting northwesterly along Valley Avenue to its intersection with Hopyard Road; then, starting northwesterly along Hopyard Road to its intersection with W Las Positas Boulevard; then, starting southwesterly along W Las Positas Boulevard to its intersection with Foothill Road; then, southeasterly along Foothill Road to its intersection with Santos Ranch Road; then, starting westerly along Santos Ranch Road to its intersection with Cowing Road; then, starting northwesterly along Cowing Road to its intersection with Hollis Canyon Road; then, starting northeasterly along Hollis Canyon Road to its intersection with US Interstate 580; then, starting northwesterly along US Interstate 580 to its intersection with Paloverde Road; then, starting southeasterly along Paloverde Road to its intersection with Palomares Road; then, southwesterly along an imaginary line to its intersection with the eastern most point of Fairweather Court; then, southwesterly along Fairweather Court to its intersection with Five Canyons Parkway; then, starting southeasterly along Five Canyons Parkway to its intersection with Fairview Avenue; then, starting southeasterly along Fairview Avenue to its intersection with the northern boundary line of Garin Regional Park; then, starting southeasterly along the northern boundary line of Garin Regional Park to its intersection with the boundary line of Dry Creek Pioneer Regional Park; then, starting southeasterly along the boundary line of Dry Creek Pioneer Regional Park to its intersection with South Dry Creek Branch; then, southwesterly along an imaginary line to its intersection with the intersection of Montalban Drive and

Blaisdell Way; then, southwesterly along Montalban Drive to its intersection with Easterday Way; then, northwesterly along Easterday Way to its intersection with E Nursery Avenue; then, southwesterly along E Nursery Avenue to its intersection with Nursery Avenue; then, southwesterly along Nursery Avenue to its intersection with Niles Boulevard; then, northwesterly along Niles Boulevard to its intersection with Alvarado Niles Road; then, northwesterly along Alvarado Niles Road to its intersection with Osprey Drive; then, southwesterly along Osprey Drive to its intersection with Quarry Lakes Drive; then, starting southeasterly along Quarry Lakes Drive to its intersection with Isherwood Way; then, southwesterly along Isherwood Way to its intersection with Paseo Padre Parkway; then, starting southeasterly along Paseo Padre Parkway to its intersection with Mowry Avenue; then, northeasterly along Mowry Avenue to its intersection with Mission Boulevard; then, northwesterly along Mission Boulevard to its intersection with Niles Canyon Road; then, northeasterly along Niles Canyon Road to its intersection with Old Canyon Road, then, starting northeasterly along Old Canyon Road to its southeastern most point, then, southeasterly along an imaginary line to its intersection with the northeastern most point of Morrison Canyon Road, then, southeasterly along an imaginary line to its intersection with the intersection of US Interstate 680 and Vargas Road, then, southwesterly along US Interstate 680 to its intersection with Mission Boulevard, then, starting southeasterly along Mission Boulevard to its intersection with US Interstate 880, then, starting southeasterly along US Interstate 880 to its intersection with the boundary line of Alameda County; then, starting southwesterly along the boundary line of Alameda County to its intersection with the boundary line of San Mateo County; then, southeasterly along an imaginary line to its intersection with the northern boundary line of the City of Sunnyvale and the shoreline of San Francisco Bay; then, starting southeasterly along the northern boundary line of the City of Sunnyvale to its intersection with US Highway 101; then, southeasterly along US Highway 101 to its intersection with E Brokaw Road; then, starting northeasterly along E Brokaw Road to its intersection with Murphy Avenue; then, northeasterly along Murphy Avenue to its intersection with Hostetter Road; then, northeasterly along Hostetter Road to its intersection with N Capitol Avenue; then, southeasterly along N Capitol Avenue to its intersection with Mckee Road; then,

northeasterly along Mckee Road to its intersection with Kirk Avenue; then, southeasterly along Kirk Avenue to its intersection with Alum Rock Avenue; then, southwesterly along Alum Rock Avenue to its intersection with Fleming Avenue; then, southeasterly along Fleming Avenue to its intersection with Story Road; then, starting southwesterly along Story Road to its intersection with Clayton Road; then, starting southeasterly along Clayton Road to its intersection with Mount Hamilton Road; then, starting southeasterly along Mount Hamilton Road to its intersection with the boundary line of Joseph D Grant County Park; then, starting southwesterly along the boundary line of Joseph D Grant County Park to its intersection with the boundary line of the San Jose MCD; then, starting southeasterly along the boundary line of the San Jose MCD to its intersection with San Felipe Road; then, starting southwesterly along San Felipe Road to its intersection with Silver Creek Road; then, starting southwesterly along Silver Creek Road to its intersection with Road M; then, then starting southeasterly along Road M to its southeastern most point; then, southwesterly along an imaginary line to its intersection with the intersection of Piercy Road and Tennant Avenue; then, southwesterly along Tennant Avenue to its intersection with Silicon Valley Boulevard; then, southwesterly along Silicon Valley Boulevard to its intersection with US Highway 101; then starting northwesterly along US Highway 101 to its intersection with Blossom Hill Road; then, starting westerly along Blossom Hill Road to its intersection with Poughkeepsie Road; then, starting southeasterly along Poughkeepsie Road to its intersection with Cottle Road; then, southerly along Cottle Road to its intersection with Santa Teresa Boulevard; then, starting westerly along Santa Teresa Boulevard to its intersection with Snell Avenue; then, starting southerly along Snell Avenue to its southern most point; then, southeasterly along an imaginary line to its intersection with eastern most point of Scenic Vista Drive; then, southeasterly along an imaginary line to its intersection with the intersection of San Vicente Avenue and Fortini Road; then, southwesterly along Fortini Road to its intersection with Mckean Road; then, southwesterly along an imaginary line to its intersection with the intersection of Almaden Road and Mt. Drive; then, starting southerly along Almaden Road to its intersection with Alamitos Road; then, starting southwesterly along Alamitos Road to its intersection with Hicks Road; then, starting northwesterly along Hicks Road to its intersection with Mount

Umunhum Road; then, starting southwesterly along Mount Umunhum Road to its intersection with Mount Umunhum L Prieta Road; then, starting southerly along Mount Umunhum L Prieta Road to its intersection with Loma Prieta Road; then, southeasterly along Loma Prieta Road to its intersection with Summit Road; then, southwesterly along an imaginary line to its intersection with Highland Way and Hihns Sulphur Springs Road; then, westerly along Hihns Sulphur Spring Road to its intersection with the boundary line of Forest of Nisene Marks State Park; then, starting southerly along the boundary line of Forest of Nisene Marks State Park to its intersection with Nisene Marks State Park; then, starting northeasterly along Nisene Marks State Park to its intersection with Buzzard Lagoon Road; then, starting northerly along Buzzard Lagoon Road to its intersection with Ormsby Road; then, starting southeasterly along Ormsby Road to its intersection with Ormsby Cutoff; then, starting northeasterly along Ormsby Cutoff to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with Pole Line Road; then, starting southeasterly along Pole Line Road to its intersection with State Highway 152; then, starting northeasterly along State Highway 152 to its intersection with the western boundary of M11S03E07 (Base/Meridian, Township, Range and Section); then, southerly along the western boundary of M11S03E07 to its intersection with the western boundary of M11S03E18; then, southerly along the western boundary of M11S03E18 to its intersection with the boundary line of Santa Cruz County; then, starting easterly along the boundary line of Santa Cruz County to its intersection with ~~the boundary line of San Benito County; then, westerly along an imaginary line to its intersection with State Highway 129 at 36.89946 latitude and -121.58623 longitude; then, starting northwesterly along State Highway 129 to its intersection with School Road; then starting southerly along School Road to its intersection with Forest Road; then, starting westerly along Forest Road to its intersection with Anzar Road; then, starting southeasterly along Anzar Road to its intersection with Cannon Road; then, starting southwesterly along Cannon Road~~ an unnamed creek at 36.923540 latitude and -121.590240 longitude; then, starting southerly along said creek to its intersection with Tar Creek; then, starting northeasterly along Tar Creek to its intersection with US Highway 101; then, starting southeasterly along said highway to its intersection with Rocks Road; then, starting southeasterly

along Rocks Road to its intersection with an unnamed road at 36.853922 latitude and -121.587864 longitude; then, starting southwesterly along the unnamed road to its end at 36.837494 latitude and -121.583476 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of Audrey Lane and Crazy Horse Canyon Road; then, starting southeasterly along Crazy Horse Canyon Road to its intersection with San Juan Grade Road; then, southwesterly along San Juan Grade Road to its intersection with Herbert Road; then, starting southeasterly along Herbert Road to its intersection with Old Stage Road; then, southeasterly along Old Stage Road to its intersection with Natividad Road; then, southwesterly along Natividad Road to its intersection with El Boronda Road; then, starting easterly along El Boronda Road to its intersection with Constitution Boulevard; then, southwesterly along Constitution Boulevard to its intersection with E Laurel Drive; then, southeasterly along E Laurel Drive to its intersection with Williams Road; then, southwesterly along Williams Road to its intersection with Quilla Street; then, starting southeasterly along Quilla Street to its intersection with Skyway Boulevard; then, southeasterly along Skyway Boulevard to its intersection with Airport Boulevard; then, starting southwesterly along Airport Boulevard to its intersection with Hansen Street; then, southeasterly along Hansen Street to its intersection with Harkins Road; then, starting southwesterly along Harkins Road to its intersection with Hunter Lane; then, northwesterly along Hunter Lane to its intersection with State Highway 68; then, southwesterly along State Highway 68 to its intersection with Hitchcock Road; then, northwesterly along Hitchcock Road to its intersection with 36.653895 latitude and -121.682383 longitude; then, southwesterly along an unnamed road to its intersection with Foster Road at 36.646173 latitude and -121.688238 longitude; then, southeasterly along Foster Road to its intersection with 36.639487 latitude and -121.673888 longitude; then, southwesterly along an unnamed road to its intersection with an unnamed road at 36.631121 latitude and -121.679379 longitude; then, southeasterly along an imaginary line to its intersection with the northern most point of Hilltown Road; then, southwesterly along Hilltown Road to its intersection with Reservation Road; then, starting northwesterly along said road to its intersection with Engineer Canyon Road; then, starting southwesterly along said road to its intersection with Jacks Road; then, starting southwesterly along Jacks Road to its intersection with

Eucalyptus Road; then, starting northwesterly along said road to its intersection with 36.621291 latitude and -121.762025 longitude; then, southerly along an imaginary line to its intersection with the northern most point of Belavida Road; then, southwesterly along Belavida Road to its intersection with Pasadera Drive; then, starting southerly along Pasadera Drive to its intersection with the Salinas Highway (State Highway 68); then, starting northeasterly along the Salinas Highway (State Highway 68) to its intersection with Laureles Grade Road; then, starting southeasterly along Laureles Grade Road to its intersection with W Carmel Valley Road; then, northwesterly along W Carmel Valley Road to its intersection with Ronnoco Road; then, southwesterly along an imaginary line to its intersection with Robinson Canyon Road at 36.499672 latitude and -121.809815 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.497182 latitude and -121.832791 longitude; then, starting northwesterly along an unnamed road to its intersection with Cantera Run; then, starting southeasterly along Cantera Run to its intersection with Rancho San Carlos Road; then, starting northwesterly along Rancho San Carlos Road to its intersection with Carmel Valley Road; then, starting westerly along Carmel Valley Road to its intersection with State Highway 1; then, starting southeasterly along State Highway 1 to its intersection with Rio Road; then, starting northwesterly along Rio Road to its intersection with Santa Lucia Avenue; then, starting southwesterly along Santa Lucia Avenue to its intersection with the boundary line of Carmel-by-the-Sea; then, starting northwesterly along the boundary line of Carmel-by-the-Sea to its intersection with the California coastline; then, starting northeasterly along the coastline of California to its intersection with Waddell Creek; then, starting northerly along Waddell Creek to its intersection with State Highway 1; then, southeasterly along State Highway 1 to its intersection with Canyon Road; then, northeasterly along an imaginary line to its intersection with the intersection of Fistelera Ridge Road and Last Chance Road; then, northeasterly along an imaginary line to its intersection with Purdy Ranch Road and Scott Creek; then, southeasterly along an imaginary line to its intersection with the northern most point of Big Creek Road; then, northeasterly along an imaginary line to its intersection with the western most point of Blodgetts Road; then, starting southeasterly along Blodgetts Road to its intersection with Empire Grade; then, starting northwesterly along Empire

Grade to its intersection with Jamison Creek Road; then, northwesterly along an imaginary line to its intersection with the intersection of Heartwood Hl and the boundary line of Big Basin Redwoods State Park; then, starting northerly along the boundary line of Big Basin Redwoods State Park to its intersection with State Highway 236; then, starting southeasterly along State Highway 236 until its intersection with State Highway 9; then, starting southerly along State Highway 9 to its intersection with the boundary line for the City of Boulder Creek; then, starting southerly along the boundary line for the City of Boulder Creek to its intersection with Two Bar Road; then, northeasterly along Two Bar Road to its intersection with Cougar Rock Road; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Whalebone Gulch Road; then, southeasterly along Whalebone Gulch Road to its intersection with Bear Creek Road; then, northeasterly along Bear Creek Road to its intersection with Amber Ridge Loop; then, starting southeasterly along Amber Ridge Loop to its eastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of E Zayante Road and Fern Ridge; then, starting easterly along Fern Ridge to its northeastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of Weston Road and Glenwood Drive; then, northeasterly along Glenwood Drive to its intersection with Mountain Charlie Road; then, starting northeasterly along Mountain Charlie Road to its intersection with Riva Ridge Road; then, starting northeasterly along Riva Ridge Road to its intersection with Hutchinson Road; then, starting northeasterly along Hutchinson Road to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with State Highway 17; then, starting northwesterly along State Highway 17 to its intersection with Black Road; then, southwesterly along Black Road to its intersection with Beardsley Road; then, starting northwesterly along Beardsley Road to its northwestern most point; then, northerly along an imaginary line to its intersection with Montevina Road 37.203696 latitude and at -122.013657 longitude; then, starting northerly along Montevina Road to its intersection with El Sereno Trail; then, starting southeasterly along El Sereno Trail to its intersection with an unnamed road; then, starting northeasterly along an unnamed road to its intersection with Overlook Road; then, starting northwesterly along Overlook Road to its intersection with Lucky Road; then,

starting northerly along Lucky Road to its intersection with Greenwood Lane; then, starting southeasterly along Greenwood Lane to its intersection with Ojai Drive; then, starting northwesterly along Ojai Drive to its intersection with Matillija Drive; then, starting northeasterly along Matillija Drive to its intersection with Lancaster Road; then, starting northwesterly along Lancaster Road to its intersection with Austin Way; then, starting northwesterly along Austin Way to its intersection with Saratoga Los Gatos Road; then, starting northwesterly along Saratoga Los Gatos Road to its intersection with Fruitvale Avenue; then, northerly along Fruitvale Avenue to its intersection with Saratoga Avenue; then, southwesterly along Saratoga Avenue to its intersection with Crestbrook Drive; then, northwesterly along Crestbrook Drive to its intersection with Braemar Drive; then, northeasterly along Braemar Drive to its intersection with Scotland Drive; then, northwesterly along Scotland Drive to its intersection with Glen Brae Drive; then, starting northeasterly along Glen Brae Drive to its intersection with Cox Avenue; then, starting westerly along Cox Avenue to its intersection with Wardell Road; then, starting westerly along Wardell Road to its intersection with Arroyo De Arguello; then, starting southerly along Arroyo De Arguello to its intersection with Comer Drive; then, starting westerly along Comer Drive to its intersection with Star Ridge Court; then, starting westerly along Star Ridge Court to its intersection with Parker Ranch Court; then, starting easterly along Parker Ranch Court to its intersection with Parker Ranch Road; then, starting southwesterly along Parker Ranch Road to its intersection with Prospect Road; then, starting northerly along Prospect Road to its intersection with Arrowhead Lane; then, starting southwesterly along Arrowhead Lane to its northwestern most point; then, along an imaginary line to its intersection with an unnamed road at 37.295200 latitude and -122.056823 longitude; then, starting northwesterly along the unnamed road to its intersection with Regnart Road at 37.296672 latitude and -122.060084 longitude; then, northeasterly along Regnart Road to its intersection with Regnart Canyon Drive; then, starting northwesterly along Regnart Canyon Drive to its intersection with the boundary line of Stevens Creek County Park; then, starting northwesterly along the boundary line of Stevens Creek County Park to its intersection with Stevens Canyon Road; then starting northwesterly along an imaginary line to its intersection with Page Mill Road at 37.345695 latitude and -122.180694

longitude; then, northwesterly along an imaginary line to its intersection with Arastradero Road and Los Trancos Creek; then, starting northwesterly along Los Trancos Creek to its intersection with Alpine Road; then, starting northeasterly along Alpine Road to its intersection with Westridge Drive; then, starting southwesterly along Westridge Drive to its intersection with Portola Road; then, starting northwesterly along Portola Road to its intersection with Old La Honda Road; then, starting southwesterly along Old La Honda Road to its intersection with Skyline Boulevard (State Highway 35); then, starting northwesterly along Skyline Boulevard (State Highway 35) to its intersection with Kings Mountain Road; then, starting southeasterly along Kings Mountain Road to its intersection with the western boundary line of Huddart County Park; then, starting southeasterly along the boundary line of Huddart County Park to its intersection with Greer Road; then, northwesterly along an imaginary line to its intersection with the western most point of Raymundo Drive; then, starting easterly along Raymundo Drive to its intersection with Runnymede Road; then, northerly along an imaginary line to its intersection with the intersection of Palm Circle Road and Canada Road; then, northwesterly along Canada Road to its intersection with US Interstate Highway 280; then, starting northwesterly along US Interstate Highway 280 to its intersection with State Highway 35; then, starting northwesterly along State Highway 35 to its intersection with Skyline Boulevard; then, starting southeasterly along Skyline Boulevard to its intersection with Muddy Road; then, southwesterly along an imaginary line to the northeastern most point of Murray Ranch Road; then, southwesterly along Murray Ranch Road to its intersection with Higgins Canyon Road; then, southwesterly along an imaginary line to its intersection with the intersection of State Highway 1 and Redondo Beach Road; then, southwesterly along Redondo Beach Road to its western most point; then, due westerly along an imaginary line to its intersection with the coast line of California; then, starting northerly along the coast line of California to its intersection with ~~the boundary line of Half Moon Bay State Beach; then, starting northeasterly along said boundary line to its intersection State Highway 1; then, northwesterly along State Highway 1 to its intersection with Capistrano Road; then, northeasterly along Capistrano Road to its intersection with Carmel Avenue; then, northeasterly along Carmel Avenue to its intersection with San Juan Avenue; then,~~

~~northeasterly along San Juan Avenue to its northeastern most point; then, northeasterly along an imaginary line to its intersection with the western most point of Lewis Avenue; then, starting easterly along Lewis Avenue to its intersection with El Granada Boulevard; then, starting northerly along El Granada Boulevard to its intersection with Roosevelt Boulevard; then, starting southeasterly along Roosevelt Boulevard to its intersection with the boundary line of the City of Half Moon Bay; then, starting northeasterly along the boundary line of the City of Half Moon Bay to its intersection with Frenchmans Creek; then, easterly along an imaginary line to its intersection with Skyline Boulevard and Skyline; then, northwesterly along Skyline to its northern most point; then, northwesterly along an imaginary line to its intersection with 37.555234 latitude and -122.426721 longitude; then, starting northwesterly along an unnamed road to its intersection with 37.569684 latitude and -122.447534 longitude; then, starting northeasterly along an unnamed road to its intersection with the southeastern most point of Fire Trail 1; then, northwesterly along Fire Trail 1 to its intersection with Middle Fork Creek; then, starting westerly along Middle Fork Creek to its intersection with Trout Farm Road; then, starting northerly along Trout Farm Road to its intersection with Rosita Road; then, starting northwesterly along Rosita Road to its intersection with Higgins Way; then, starting northerly along Higgins Way to its intersection with San Pedro Terrace Road; then, starting northwesterly along San Pedro Terrace Road to its intersection with San Pedro Avenue; then, starting northwesterly along San Pedro Avenue to its intersection with Danmann Avenue; then, northeasterly along Danmann Avenue to its intersection with Shoreside Drive; then, northeasterly along an imaginary line to its intersection with the California coastline at 37.596403 latitude and -122.508474 longitude; then, starting southeasterly along the California coastline to its intersection with~~ US Highway 101; then, northerly along US Highway 101 to its intersection with the southern boundary line of the Golden Gate National Recreation Area; then, starting westerly along the boundary line of the Golden Gate National Recreation Area to its intersection with the California coastline; then, starting northwesterly along the California coastline to its intersection with ~~the boundary line of the Golden Gate National Recreation Area; then, starting northerly along the boundary line of the Golden Gate National Recreation Area to its intersection with Muir Woods~~

~~Road; then, starting northwesterly along Muir Woods Road to its intersection with Panoramic Highway; then, starting northwesterly along the Panoramic Highway to its intersection with the boundary line of the City of Mill Valley; then, starting northeasterly along the said boundary line to its intersection with Summit Avenue; then, starting northwesterly along Summit Avenue~~ Webb Creek; then, starting northeasterly along Webb Creek to its intersection with Panoramic Highway; then, starting northeasterly along said highway to its intersection with Pan Toll Road; then, starting northwesterly along said road to its intersection with Bolinas Ridge Road; then, starting southwesterly along said road to its intersection with Ridgecrest Boulevard; then, starting northwesterly along said boulevard to its intersection with Fairfax Bolinas Road; then, starting northwesterly along said road to its intersection with 37.955833 latitude and -121.636966 longitude; then, starting northeasterly along an imaginary line to the point of beginning.

~~(2) In the County of Marin, in the Novato area: Beginning at the intersection of Novato Creek Road and Hicks Valley Road; then, northeasterly along an imaginary line to its intersection with the northwest point of the boundary line of the City of Novato; then, starting southeasterly along the boundary line of the City of Novato to its intersection with the boundary line of Rancho Olompali State Park; then, starting northwesterly along the boundary line of Rancho Olompali State Park to its intersection with US Highway 101; then, starting southeasterly along US Highway 101 to its intersection with Atherton Avenue; then, starting southeasterly along Atherton Avenue to its intersection with Bugeia Lane; then, southerly along an imaginary line to its intersection with the northern most point of Robinhood Drive; then, starting southwesterly along Robinhood Drive to its intersection with Olive Avenue; then, southwesterly along an imaginary line to its intersection with the intersection of Vintage Way and Rowland Boulevard; then, starting westerly along Rowland Boulevard to its intersection with S Novato Boulevard; then, southeasterly along S Novato Boulevard to its intersection with Sunset Parkway; then, starting southwesterly along Sunset Parkway to its intersection with Ignacio Boulevard; then, starting northwesterly along Ignacio Boulevard to its intersection with College of Marin Avenue; then, starting northwesterly along the College of Marin Avenue to its western most point; then, northwesterly along~~

~~an imaginary line to its intersection with Indian Valley Road and Old Ranch Road; then, southwesterly along Old Ranch Road to its intersection with Deer Trail; then, northwesterly along Deer Trail to its western most point; then, southwesterly along an imaginary line to an imaginary point at 38.086305 latitude and -122.600034 longitude; then, northwesterly along an imaginary line to its intersection with Tanglewood Lane; then, starting northerly along Tanglewood Lane to its intersection with Maestro Road; then, starting northwesterly along Maestro Road to its northern most point; then, northwesterly along an imaginary line to its intersection with the intersection of Cabro Ridge with Cabro Court; then, southwesterly along Cabro Court to its intersection with Plata Court; then starting northwesterly along Plata Court to its intersection with Santa Maria Drive; then, northwesterly along Santa Maria Drive to its intersection with Amber Court; then, northwesterly along an imaginary line from the intersection of Amber Court and Santa Maria Drive to the southern most point of W Brooke Drive; then, starting northerly along W Brooke Drive to its intersection with Wild Horse Valley Road; then, northwesterly along Wild Horse Valley Road to its intersection with Vineyard Road; then, southwesterly along Vineyard Road to its intersection with Verissimo Drive; then, northwesterly along Verissimo Drive to its intersection with Ravine Way; then, northwesterly along an imaginary line to the point of beginning.~~

(~~3~~2) In the County of Monterey:

(A) Continued

(B) In the Greenfield area: Beginning at the intersection of ~~Los Coches~~Peach Road and Thorne Road; then, ~~northeasterly along Thorne Road~~starting northeasterly along Thorne Road to its intersection with to its intersection with El Camino Real; then, starting southerly along El Camino Real to its intersection with the on-ramp for US Highway 101; then, southeasterly along said on-ramp to its intersection with US Highway 101; then, southeasterly along US Highway 101 to its intersection with ~~Espinosa Road; then, southwesterly along Espinosa Road to its intersection with an unnamed road at 36.305522 latitude and -121.235375 longitude; then, southeasterly along the unnamed road to its intersection with 36.300397 latitude and -121.232838 longitude; then, southwesterly~~

~~along an unnamed road to its intersection with 36.295811 latitude and -121.240913 longitude; then, southeasterly along an unnamed road to its intersection with Kenner Road; then, starting southwesterly along Kenner Road to its intersection with Central Avenue; then, northwesterly along Central Avenue to its intersection with an unnamed road at 36.286784 latitude and -121.247435 longitude; then, southwesterly along an unnamed road to its intersection with an unnamed stream at 36.283011 latitude and -121.254546 longitude; then, starting southwesterly along an unnamed stream to its intersection with 36.276894 latitude and -121.253611 longitude; then, northwesterly along an imaginary line~~Walnut Avenue; then, northeasterly along Walnut Avenue to its intersection with 3rd Street; then, southeasterly along 3rd Street to its intersection with Elm Avenue; then, northeasterly along Elm Avenue to its intersection with 36.325888 latitude and -121.226267 longitude; then, southeasterly along an imaginary line to its intersection with 36.320400 latitude and -121.221599 longitude; then, southwesterly along an imaginary line to its intersection with 36.318831 latitude and -121.224347 longitude; then, southeasterly along an imaginary line to its intersection with 36.313775 latitude and -121.220047 longitude; then, southwesterly along an imaginary line to its intersection with 36.311880 latitude and -121.221751 longitude; then, southeasterly along an imaginary line to its intersection with 36.305453 latitude and -121.216537 longitude; then, southwesterly along an imaginary line to its intersection with US Highway 101 at 36.302700 latitude and -121.221637 longitude; then, southeasterly along US Highway 101 to its intersection with 36.293537 latitude and -121.201033 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.278295 latitude and -121.228383 longitude; then, starting southwesterly along said road to its intersection with an unnamed road at 36.249762 latitude and -121.250848 longitude; then, starting southwesterly along said road to its intersection with an unnamed road at 36.256389 latitude and -121.261074 longitude; then,

starting northwesterly along said road to its intersection with Reliz Canyon Road; then, starting northwesterly along said road to its intersection with ~~the intersection of~~ Elm Avenue ~~and Reliz Canyon Road~~; then, starting northwesterly along Elm Avenue to its intersection with Arroyo Seco Road; then, northwesterly along an imaginary line to its intersection with an unnamed road at 36.308714 latitude and -121.346420 longitude; then, starting northwesterly along an unnamed road to its intersection with 36.309965 latitude and -121.348041 longitude; then, starting northeasterly along an unnamed road to its intersection with 36.312670 latitude and -121.342194 longitude; then, starting northeasterly along an unnamed road to its intersection with 36.319488 latitude and -121.338710 longitude; then, ~~starting northeasterly along an unnamed street to its intersection with Arroyo Seco Road; then, northwesterly along Arroyo Seco Road to its intersection with an unnamed street at 36.335766 latitude and -121.316928 longitude; then, northeasterly along an unnamed street to its intersection with 36.341402 latitude and -121.303675 longitude; then, northeasterly along an unnamed street~~ northwesterly along an imaginary line to its intersection with the southern most point of Paraiso Springs Road; then, starting northeasterly along said road to its intersection with an unnamed creek at 36.335136 latitude and -121.339757 longitude; then, starting southeasterly along the unnamed creek to its intersection with 36.340601 latitude and -121.318743 longitude; then, northeasterly along an imaginary line to its intersection with an unnamed road at 36.340763 latitude and -121.318267 longitude; then, northeasterly along an unnamed road to its intersection with 36.347176 latitude and -121.303438 longitude; then, northeasterly along an imaginary line to its intersection with Los Coches Road at 36.348655 latitude and -122.299450 longitude; then, starting southerly along Los Coches Road to its intersection with 36.344558 latitude and -121.298431 longitude; then, northeasterly along an imaginary line to its intersection with an unnamed road at 36.345362 latitude and -121.294018 longitude; then, northeasterly along an unnamed

road to its intersection with 36.346951 latitude and -121.286429 longitude; then, southeasterly along an imaginary line to its intersection with Hudson Road and an unnamed road at 36.344132 latitude and -121.283865 longitude; then, southwesterly, southeasterly and southwesterly along the unnamed road to the point of beginning.

(43) Continued

(~~5~~4) Continued

(~~6~~5) Continued

Continued

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

1/22/09

Amendment Effective February 27, 2009

In Title 3, Division 4, Chapter 3, amend subsection 3434(b) to read:

Section 3434. Light Brown Apple Moth Interior Quarantine.

(b) Area Under Quarantine.

(1) In the counties of Alameda, Contra Costa, Marin, San Francisco, San Benito, San Mateo, Santa Clara and Santa Cruz: Beginning at the intersection of Cascade Drive and Whites Hill Preserve; then, starting northwesterly along Whites Hill Preserve to its intersection with Sir Francis Drake Boulevard; then, starting southeasterly along Sir Francis Drake Boulevard to its intersection with Gunsight Fire Road; then, starting northeasterly along Gunsight Fire Road to its intersection with the boundary line of the Loma Alta Preserve; then, starting northwesterly along said boundary line to its intersection with Loma Alta Fire Road; then, starting northeasterly along Loma Alta Fire Road to its intersection with Nunes Fire Road; then, starting northeasterly along Nunes Fire Road to its intersection with Lucas Valley Road; then, starting northwesterly along Lucas Valley Road to its intersection with Nicasio Valley Road; then, northwesterly along an imaginary line to its intersection with Point Reyes Petaluma Road and Novato Boulevard; then, northeasterly along an imaginary line to its intersection with the northwestern most point of the boundary of Rancho Olompali State Park; then, starting southeasterly along said park boundary to its intersection with US Highway 101; then, starting southeasterly along said highway to its intersection with 38.153465 latitude and -122.567437 longitude; then, northeasterly along an imaginary line to its intersection with the shoreline of the Petaluma River at 38.158019 latitude and -121.544658 longitude; then, starting southeasterly along said shoreline to its intersection with San Pablo Bay coastline; then, starting southerly along said shoreline to its intersection with Miller Creek; then, easterly along an imaginary line to its intersection with the San Pablo Bay coastline and Refugio Creek; then, starting northeasterly along said coastline to its intersection with the southern shoreline of the Carquinez Straight; then, starting southeasterly along said shoreline to its intersection with Pacheco Creek; then, southeasterly along Pacheco Creek to its intersection with Waterfront Road; then, northeasterly along Waterfront Road to its intersection with Solano Way; then, starting

southeasterly along Solano Way to its intersection with Olivera Road; then, starting southeasterly along Olivera Road to its intersection with E Olivera Road; then, southeasterly along E Olivera Road to its intersection with the boundary line of the US Naval Weapons Station Concord; then, starting southeasterly along said boundary line to its intersection with Denkinger Road; then, southwesterly along Denkinger Road to its intersection with Concord Boulevard; then, southeasterly along Concord Boulevard to its intersection with Yvonne Drive; then, northeasterly along Yvonne Drive to its intersection with Laurel Drive; then, southeasterly along Laurel Drive to its intersection with Old Kirker Pass Road; then, easterly along Old Kirker Pass Road to its intersection with Kirkwood Drive; then, starting southeasterly along Kirkwood Drive to its intersection with Jameson Court; then, starting northeasterly along Jameson Court to its eastern most point; then, southerly along an imaginary line to its intersection with the boundary line of the Oakhurst Country Club at 37.955812 latitude and -121.937638 longitude; then, southwesterly along said boundary line to its intersection with Oakhurst Drive; then, starting easterly along Oakhurst Drive to its intersection with Clayton Road; then, starting westerly along Clayton Road to its intersection with Marsh Creek Road; then, starting southeasterly along Marsh Creek Road to its intersection with Mountaire Parkway; then, starting southerly along Mountaire Parkway to its intersection with Mountaire Circle; then, starting southwesterly along Mountaire Circle to its intersection with Mt Tamalpais Drive; then, southwesterly along Mt Tamalpais Drive to its intersection with the boundary line of Mount Diablo State Park; then, starting westerly along said boundary line to its intersection with point 37.902500 latitude and -121.974244 longitude; then, southwesterly along an imaginary line to its intersection with the southeastern most point of an unnamed road at 37.895716 latitude and -121.980741 longitude; then, starting northwesterly along the unnamed road to its intersection with North Gate Road; then, southwesterly along North Gate Road to its intersection with South Gate Road; then, starting southwesterly along South Gate Road to its intersection with Mt Diablo Scenic Boulevard; then, starting southwesterly along Mt Diablo Scenic Boulevard to its intersection with Blackhawk Road; then, starting southeasterly along Blackhawk Road to its intersection with Crow Canyon Road; then, starting southerly along Crow Canyon Road to its intersection with Alcosta Boulevard;

then, southeasterly along Alcosta Boulevard to its intersection with Old Ranch Road; then, starting northeasterly along Old Ranch Road to its intersection with Dougherty Road; then, starting southeasterly along Dougherty Road to its intersection with Fall Creek Road; then, southeasterly along an imaginary line to its intersection with the intersection of 15th Street and Cromwell Avenue; then, starting northerly along Cromwell Avenue to its intersection with Sebille Road; then, starting southeasterly along Sebille Road to its intersection with an unnamed road at 37.724156 latitude and -121.892239 longitude; then, starting northeasterly along the unnamed road to its intersection with Tassajara Creek; then, easterly along an imaginary line to its intersection with Tassajara Road at 37.729332 latitude and -121.873013 longitude; then starting northerly along Tassajara Road to its intersection with an unnamed road at 37.735579 latitude and -121.867972 longitude; then, southeasterly along an imaginary line to its intersection with the northern most point of Croak Road; then, starting southerly along Croak Road to 37.701896 latitude and -121.841647 longitude; then, southerly along an imaginary line to its intersection with El Charro Road and an unnamed road at 37.688960 latitude and -121.840400 longitude; then, southeasterly along El Charro Road to its intersection with Stanley Boulevard; then, southwesterly along Stanley Boulevard to its intersection with Valley Avenue; then, starting northwesterly along Valley Avenue to its intersection with Hopyard Road; then, starting northwesterly along Hopyard Road to its intersection with W Las Positas Boulevard; then, starting southwesterly along W Las Positas Boulevard to its intersection with Foothill Road; then, southeasterly along Foothill Road to its intersection with Santos Ranch Road; then, starting westerly along Santos Ranch Road to its intersection with Cowing Road; then, starting northwesterly along Cowing Road to its intersection with Hollis Canyon Road; then, starting northeasterly along Hollis Canyon Road to its intersection with US Interstate 580; then, starting northwesterly along US Interstate 580 to its intersection with Paloverde Road; then, starting southeasterly along Paloverde Road to its intersection with Palomares Road; then, southwesterly along an imaginary line to its intersection with the eastern most point of Fairweather Court; then, southwesterly along Fairweather Court to its intersection with Five Canyons Parkway; then, starting southeasterly along Five Canyons Parkway to its intersection with Fairview Avenue; then, starting southeasterly

along Fairview Avenue to its intersection with the northern boundary line of Garin Regional Park; then, starting southeasterly along the northern boundary line of Garin Regional Park to its intersection with the boundary line of Dry Creek Pioneer Regional Park; then, starting southeasterly along the boundary line of Dry Creek Pioneer Regional Park to its intersection with South Dry Creek Branch; then, southwesterly along an imaginary line to its intersection with the intersection of Montalban Drive and Blaisdell Way; then, southwesterly along Montalban Drive to its intersection with Easterday Way; then, northwesterly along Easterday Way to its intersection with E Nursery Avenue; then, southwesterly along E Nursery Avenue to its intersection with Nursery Avenue; then, southwesterly along Nursery Avenue to its intersection with Niles Boulevard; then, northwesterly along Niles Boulevard to its intersection with Alvarado Niles Road; then, northwesterly along Alvarado Niles Road to its intersection with Osprey Drive; then, southwesterly along Osprey Drive to its intersection with Quarry Lakes Drive; then, starting southeasterly along Quarry Lakes Drive to its intersection with Isherwood Way; then, southwesterly along Isherwood Way to its intersection with Paseo Padre Parkway; then, starting southeasterly along Paseo Padre Parkway to its intersection with Mowry Avenue; then, northeasterly along Mowry Avenue to its intersection with Mission Boulevard; then, northwesterly along Mission Boulevard to its intersection with Niles Canyon Road; then, northeasterly along Niles Canyon Road to its intersection with Old Canyon Road, then, starting northeasterly along Old Canyon Road to its southeastern most point, then, southeasterly along an imaginary line to its intersection with the northeastern most point of Morrison Canyon Road, then, southeasterly along an imaginary line to its intersection with the intersection of US Interstate 680 and Vargas Road, then, southwesterly along US Interstate 680 to its intersection with Mission Boulevard, then, starting southeasterly along Mission Boulevard to its intersection with US Interstate 880, then, starting southeasterly along US Interstate 880 to its intersection with the boundary line of Alameda County; then, starting southwesterly along the boundary line of Alameda County to its intersection with the boundary line of San Mateo County; then, southeasterly along an imaginary line to its intersection with the northern boundary line of the City of Sunnyvale and the shoreline of San Francisco Bay; then, starting southeasterly along the northern

boundary line of the City of Sunnyvale to its intersection with US Highway 101; then, southeasterly along US Highway 101 to its intersection with E Brokaw Road; then, starting northeasterly along E Brokaw Road to its intersection with Murphy Avenue; then, northeasterly along Murphy Avenue to its intersection with Hostetter Road; then, northeasterly along Hostetter Road to its intersection with N Capitol Avenue; then, southeasterly along N Capitol Avenue to its intersection with Mckee Road; then, northeasterly along Mckee Road to its intersection with Kirk Avenue; then, southeasterly along Kirk Avenue to its intersection with Alum Rock Avenue; then, southwesterly along Alum Rock Avenue to its intersection with Fleming Avenue; then, southeasterly along Fleming Avenue to its intersection with Story Road; then, starting southwesterly along Story Road to its intersection with Clayton Road; then, starting southeasterly along Clayton Road to its intersection with Mount Hamilton Road; then, starting southeasterly along Mount Hamilton Road to its intersection with the boundary line of Joseph D Grant County Park; then, starting southwesterly along the boundary line of Joseph D Grant County Park to its intersection with the boundary line of the San Jose MCD; then, starting southeasterly along the boundary line of the San Jose MCD to its intersection with San Felipe Road; then, starting southwesterly along San Felipe Road to its intersection with Silver Creek Road; then, starting southwesterly along Silver Creek Road to its intersection with Road M; then, then starting southeasterly along Road M to its southeastern most point; then, southwesterly along an imaginary line to its intersection with the intersection of Piercy Road and Tennant Avenue; then, southwesterly along Tennant Avenue to its intersection with Silicon Valley Boulevard; then, southwesterly along Silicon Valley Boulevard to its intersection with US Highway 101; then starting northwesterly along US Highway 101 to its intersection with Blossom Hill Road; then, starting westerly along Blossom Hill Road to its intersection with Poughkeepsie Road; then, starting southeasterly along Poughkeepsie Road to its intersection with Cottle Road; then, southerly along Cottle Road to its intersection with Santa Teresa Boulevard; then, starting westerly along Santa Teresa Boulevard to its intersection with Snell Avenue; then, starting southerly along Snell Avenue to its southern most point; then, southeasterly along an imaginary line to its intersection with eastern most point of Scenic Vista Drive; then, southeasterly along an imaginary line to

its intersection with the intersection of San Vicente Avenue and Fortini Road; then, southwesterly along Fortini Road to its intersection with Mckean Road; then, southwesterly along an imaginary line to its intersection with the intersection of Almaden Road and Mt. Drive; then, starting southerly along Almaden Road to its intersection with Alamitos Road; then, starting southwesterly along Alamitos Road to its intersection with Hicks Road; then, starting northwesterly along Hicks Road to its intersection with Mount Umunhum Road; then, starting southwesterly along Mount Umunhum Road to its intersection with Mount Umunhum L Prieta Road; then, starting southerly along Mount Umunhum L Prieta Road to its intersection with Loma Prieta Road; then, southeasterly along Loma Prieta Road to its intersection with Summit Road; then, southwesterly along an imaginary line to its intersection with Highland Way and Hihns Sulphur Springs Road; then, westerly along Hihns Sulphur Spring Road to its intersection with the boundary line of Forest of Nisene Marks State Park; then, starting southerly along the boundary line of Forest of Nisene Marks State Park to its intersection with Nisene Marks State Park; then, starting northeasterly along Nisene Marks State Park to its intersection with Buzzard Lagoon Road; then, starting northerly along Buzzard Lagoon Road to its intersection with Ormsby Road; then, starting southeasterly along Ormsby Road to its intersection with Ormsby Cutoff; then, starting northeasterly along Ormsby Cutoff to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with Pole Line Road; then, starting southeasterly along Pole Line Road to its intersection with State Highway 152; then, starting northeasterly along State Highway 152 to its intersection with the western boundary of M11S03E07 (Base/Meridian, Township, Range and Section); then, southerly along the western boundary of M11S03E07 to its intersection with the western boundary of M11S03E18; then, southerly along the western boundary of M11S03E18 to its intersection with the boundary line of Santa Cruz County; then, starting easterly along the boundary line of Santa Cruz County to its intersection with an unnamed creek at 36.923540 latitude and -121.590240 longitude; then, starting southerly along said creek to its intersection with Tar Creek; then, starting northeasterly along Tar Creek to its intersection with US Highway 101; then, starting southeasterly along said highway to its intersection with Rocks Road; then, starting southeasterly along Rocks Road to its intersection with an

unnamed road at 36.853922 latitude and -121.587864 longitude; then, starting southwesterly along the unnamed road to its end at 36.837494 latitude and -121.583476 longitude; then, southwesterly along an imaginary line to its intersection with the intersection of Audrey Lane and Crazy Horse Canyon Road; then, starting southeasterly along Crazy Horse Canyon Road to its intersection with San Juan Grade Road; then, southwesterly along San Juan Grade Road to its intersection with Herbert Road; then, starting southeasterly along Herbert Road to its intersection with Old Stage Road; then, starting southeasterly along Old Stage Road to its intersection with Old Natividad Road; then, south~~westerly~~easterly along Old Natividad Road to its intersection with ~~El Boronda Road; then, starting easterly along El Boronda Road to its intersection with Constitution Boulevard; then, southwesterly along Constitution Boulevard~~ Natividad Creek; then, starting southwesterly along said creek to its intersection with E Laurel Drive; then, southeasterly along E Laurel Drive to its intersection with Williams Road; then, southwesterly along Williams Road to its intersection with Quilla Street; then, starting southeasterly along Quilla Street to its intersection with Skyway Boulevard; then, southeasterly along Skyway Boulevard to its intersection with Airport Boulevard; then, starting southwesterly along Airport Boulevard to its intersection with ~~Hansen Street; then, southeasterly along Hansen Street to its intersection with Harkins Road; then, starting southwesterly along Harkins Road to its intersection with Hunter Lane; then, northwesterly along Hunter Lane to its intersection with State Highway 68; then, southwesterly along State Highway 68 to its intersection with Hitchcock Road; then, northwesterly along Hitchcock Road to its intersection with 36.653895 latitude and -121.682383 longitude; then, southwesterly along an unnamed road to its intersection with Foster Road at 36.646173 latitude and -121.688238 longitude; then, southeasterly along Foster Road to its intersection with 36.639487 latitude and -121.673888 longitude; then, southwesterly along an unnamed road to its intersection with an unnamed road at 36.631121 latitude and -121.679379 longitude; then, southeasterly along an imaginary line to its intersection with the northern most point of Hilltown Road; then, southwesterly along Hilltown Road to its intersection with Reservation Road; then, starting northwesterly along said road to its intersection with Engineer Canyon Road; then, starting southwesterly along said road to its intersection with Jacks Road; then,~~

~~starting southwesterly along Jacks Road to its intersection with Eucalyptus Road; then, starting northwesterly along said road to its intersection with 36.621291 latitude and -121.762025 longitude; then, southerly along an imaginary line to its intersection with the northern most point of Belavida Road; then, southwesterly along Belavida Road to its intersection with Pasadera Drive; then, starting southerly along Pasadera Drive~~US Highway 101; then, southeasterly along said highway to its intersection with an unnamed road at 36.612630 latitude and -121.567210 longitude; then, starting southwesterly along an imaginary line to its intersection with the Salinas River at 36.607000 latitude and -121.576409 longitude; then, starting southeasterly along the Salinas River to its intersection with 36.581869 latitude and -121.579517 longitude; then, southeasterly along an imaginary line to its intersection with River Road at 36.572981 latitude and -121.575934 longitude; then, southwesterly along an imaginary line to its intersection with the southern most point of Parker Road; then, southwesterly along an imaginary line to its intersection with Pine Canyon Road and Corral Del Cielo Road; then, starting southeasterly along Corral Del Cielo Road to its intersection with San Benancio Road; then, starting westerly along San Benancio Road to its intersection with ~~the Salinas Highway (~~State Highway 68~~)~~; then, starting ~~northeasterly~~southwesterly along the ~~Salinas Highway (~~State Highway 68~~)~~ to its intersection with Laureles Grade Road; then, starting southeasterly along Laureles Grade Road to its intersection with W Carmel Valley Road; then, northwesterly along W Carmel Valley Road to its intersection with Ronnoco Road; then, southwesterly along an imaginary line to its intersection with Robinson Canyon Road at 36.499672 latitude and -121.809815 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.497182 latitude and -121.832791 longitude; then, starting northwesterly along an unnamed road to its intersection with Cantera Run; then, starting southeasterly along Cantera Run to its intersection with Rancho San Carlos Road; then, starting northwesterly along Rancho San Carlos Road to its intersection with Carmel Valley Road; then, starting westerly along Carmel Valley Road to its intersection with State Highway 1; then, starting southeasterly along State Highway 1 to its intersection with Rio Road; then, starting northwesterly along Rio Road to its intersection with Santa Lucia Avenue; then, starting southwesterly along Santa Lucia Avenue to its intersection

with the boundary line of Carmel-by-the-Sea; then, starting northwesterly along the boundary line of Carmel-by-the-Sea to its intersection with the California coastline; then, starting northeasterly along the coastline of California to its intersection with Waddell Creek; then, starting northerly along Waddell Creek to its intersection with State Highway 1; then, southeasterly along State Highway 1 to its intersection with Canyon Road; then, northeasterly along an imaginary line to its intersection with the intersection of Fistelera Ridge Road and Last Chance Road; then, northeasterly along an imaginary line to its intersection with Purdy Ranch Road and Scott Creek; then, southeasterly along an imaginary line to its intersection with the northern most point of Big Creek Road; then, northeasterly along an imaginary line to its intersection with the western most point of Blodgetts Road; then, starting southeasterly along Blodgetts Road to its intersection with Empire Grade; then, starting northwesterly along Empire Grade to its intersection with Jamison Creek Road; then, northwesterly along an imaginary line to its intersection with the intersection of Heartwood Hl and the boundary line of Big Basin Redwoods State Park; then, starting northerly along the boundary line of Big Basin Redwoods State Park to its intersection with State Highway 236; then, starting southeasterly along State Highway 236 until its intersection with State Highway 9; then, starting southerly along State Highway 9 to its intersection with the boundary line for the City of Boulder Creek; then, starting southerly along the boundary line for the City of Boulder Creek to its intersection with Two Bar Road; then, northeasterly along Two Bar Road to its intersection with Cougar Rock Road; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Whalebone Gulch Road; then, southeasterly along Whalebone Gulch Road to its intersection with Bear Creek Road; then, northeasterly along Bear Creek Road to its intersection with Amber Ridge Loop; then, starting southeasterly along Amber Ridge Loop to its eastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of E Zayante Road and Fern Ridge; then, starting easterly along Fern Ridge to its northeastern most point; then, southeasterly along an imaginary line to its intersection with the intersection of Weston Road and Glenwood Drive; then, northeasterly along Glenwood Drive to its intersection with Mountain Charlie Road; then, starting northeasterly along Mountain Charlie Road to its intersection with Riva Ridge Road;

then, starting northeasterly along Riva Ridge Road to its intersection with Hutchinson Road; then, starting northeasterly along Hutchinson Road to its intersection with Summit Road; then, starting southeasterly along Summit Road to its intersection with State Highway 17; then, starting northwesterly along State Highway 17 to its intersection with Black Road; then, southwesterly along Black Road to its intersection with Beardsley Road; then, starting northwesterly along Beardsley Road to its northwestern most point; then, northerly along an imaginary line to its intersection with Montevina Road 37.203696 latitude and at -122.013657 longitude; then, starting northerly along Montevina Road to its intersection with El Sereno Trail; then, starting southeasterly along El Sereno Trail to its intersection with an unnamed road; then, starting northeasterly along an unnamed road to its intersection with Overlook Road; then, starting northwesterly along Overlook Road to its intersection with Lucky Road; then, starting northerly along Lucky Road to its intersection with Greenwood Lane; then, starting southeasterly along Greenwood Lane to its intersection with Ojai Drive; then, starting northwesterly along Ojai Drive to its intersection with Matillija Drive; then, starting northeasterly along Matillija Drive to its intersection with Lancaster Road; then, starting northwesterly along Lancaster Road to its intersection with Austin Way; then, starting northwesterly along Austin Way to its intersection with Saratoga Los Gatos Road; then, starting northwesterly along Saratoga Los Gatos Road to its intersection with Fruitvale Avenue; then, northerly along Fruitvale Avenue to its intersection with Saratoga Avenue; then, southwesterly along Saratoga Avenue to its intersection with Crestbrook Drive; then, northwesterly along Crestbrook Drive to its intersection with Braemar Drive; then, ~~northeasterly~~westerly along Braemar Drive to its intersection with ~~Scotland Drive; then, northwesterly along Scotland Drive to its intersection with Glen Brae Drive; then, starting northeasterly along Glen Brae Drive to its intersection with Cox Avenue; then, starting westerly along Cox Avenue to its intersection with Wardell Road; then, starting westerly along Wardell Road to its intersection with Arroyo De Arguello; then, starting southerly along Arroyo De Arguello~~ Howen Drive; then, southerly along Howen Drive to its intersection with Saratoga Vista Court; then, westerly along said court to its intersection with Beaumont Avenue; then, northerly along said avenue to its intersection with Thelma Avenue; then, westerly along Thelma Avenue to its

intersection with Debbie Lane; then, northerly along Debbie Lane to its intersection with Russell Lane; then, starting westerly along Russell Lane to its intersection with Saraview Drive; then, northeasterly along said drive to its intersection with Surrey Lane; then, starting westerly along Surrey Lane to its intersection with Pierce Road; then, starting northeasterly along Pierce Road to its intersection with Comer Drive; then, starting westerly along Comer Drive to its intersection with Star Ridge Court; then, starting westerly along Star Ridge Court to its intersection with Parker Ranch Court; then, starting easterly along Parker Ranch Court to its intersection with Parker Ranch Road; then, starting southwesterly along Parker Ranch Road to its intersection with Prospect Road; then, starting northerly along Prospect Road to its intersection with Arrowhead Lane; then, starting southwesterly along Arrowhead Lane to its northwestern most point; then, along an imaginary line to its intersection with an unnamed road at 37.295200 latitude and -122.056823 longitude; then, starting northwesterly along the unnamed road to its intersection with Regnart Road at 37.296672 latitude and -122.060084 longitude; then, northeasterly along Regnart Road to its intersection with Regnart Canyon Drive; then, starting northwesterly along Regnart Canyon Drive to its intersection with the boundary line of Stevens Creek County Park; then, starting northwesterly along the boundary line of Stevens Creek County Park to its intersection with Stevens Canyon Road; then starting northwesterly along an imaginary line to its intersection with Page Mill Road at 37.345695 latitude and -122.180694 longitude; then, northwesterly along an imaginary line to its intersection with Arastradero Road and Los Trancos Creek; then, starting northwesterly along Los Trancos Creek to its intersection with Alpine Road; then, starting northeasterly along Alpine Road to its intersection with Westridge Drive; then, starting southwesterly along Westridge Drive to its intersection with Portola Road; then, starting northwesterly along Portola Road to its intersection with Old La Honda Road; then, starting southwesterly along Old La Honda Road to its intersection with Skyline Boulevard (State Highway 35); then, starting northwesterly along Skyline Boulevard (State Highway 35) to its intersection with ~~Kings Mountain Road; then, starting southeasterly along Kings Mountain Road to its intersection with the western boundary line of Huddart County Park; then, starting southeasterly along the boundary line of Huddart County Park to its intersection with Greer Road; then,~~

~~northwesterly along an imaginary line to its intersection with the western most point of Raymundo Drive; then, starting easterly along Raymundo Drive to its intersection with Runnymede Road; then, northerly along an imaginary line to its intersection with the intersection of Palm Circle Road and Canada Road; then, northwesterly along Canada Road to its intersection with US Interstate Highway 280; then, starting northwesterly along US Interstate Highway 280 to its intersection with State Highway 35; then, starting northwesterly along State Highway 35 to its intersection with Skyline Boulevard; then, starting southeasterly along Skyline Boulevard to its intersection with~~ Muddy Road; then, southwesterly along an imaginary line to the northeastern most point of Murray Ranch Road; then, southwesterly along Murray Ranch Road to its intersection with Higgins Canyon Road; then, ~~southwesterly along an imaginary line to its intersection with the intersection of State Highway 1 and Redondo Beach Road; then, southwesterly along Redondo Beach Road to its western most point; then, due westerly along an imaginary line~~starting southerly along Higgins Canyon Road to its intersection with 37.432100 latitude and -122.377078 longitude; then, southerly along an imaginary line to its intersection with Purisima Creek at 37.433985 latitude and -122.377082 longitude; then, starting southwesterly along Purisima Creek to its intersection with Verde Road; then, starting southeasterly along Verde Road to its intersection with State Highway 1; then, southeasterly along State Highway 1 to its intersection with Lobitos Creek; then, starting southwesterly along Lobitos Creek to its intersection with the coast line of California; then, starting northerly along the coast line of California to its intersection with US Highway 101; then, northerly along US Highway 101 to its intersection with the southern boundary line of the Golden Gate National Recreation Area; then, starting westerly along the boundary line of the Golden Gate National Recreation Area to its intersection with the California coastline; then, starting northwesterly along the California coastline to its intersection with Webb Creek; then, starting northeasterly along Webb Creek to its intersection with Panoramic Highway; then, starting northeasterly along said highway to its intersection with Pan Toll Road; then, starting northwesterly along said road to its intersection with Bolinas Ridge Road; then, starting southwesterly along said road to its intersection with Ridgecrest Boulevard; then, starting northwesterly along said boulevard to its intersection with Fairfax Bolinas Road;

then, starting northeasterly along said road to its intersection with 37.955833 latitude and -121.636966 longitude; then, starting northeasterly along an imaginary line to the point of beginning.

Continued

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code. Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.

2/24/09

FINDING OF EMERGENCY

Readoptions

The Secretary of the Department of Food and Agriculture finds that an emergency exists, and that the foregoing adoption of a regulation is necessary for an immediate action to avoid serious harm to the public peace, health, safety or general welfare, within the meaning of Government Code Section 11342.545 and Public Resources Code Section 21080. The Department does not have a record of any person requesting a notice of regulatory actions under Government Code Section 11346.4(a)(1). Therefore, the provisions of Government Code Section 11346.1(a)(2) do not appear to be applicable to this emergency action as no one has requested such notice. Further, the Secretary believes that this emergency clearly poses such an immediate, serious harm that delaying action to give the notice pursuant to Government Code Section 11346.1 or allow five calendar days to allow public comment pursuant to Government Code Section 11349.6 would be inconsistent with the public interest, within the meaning of Government Code Section 11349.6(b).

Description of Specific Facts Which Constitute the Emergency

The Department amended Section 3434(b) as an emergency action (OAL File No. 2009-0127-01 E) which was effective February 5, 2009. The Department also amended Section 3434(b) as an emergency action effective February 27, 2009 (OAL File No. 2009-0217-01 E). The Department subsequently amended this regulation as emergency actions on numerous occasions. The Department is proposing to readopt OAL File Nos. 2009-0127-01 E and 2009-0217-01 E. The Department is also proposing to incorporate by reference into this emergency action: OAL File Nos. 2009-0127-01 E and 2009-0217-01 E.

The reason the Department is pursuing the readoption of this emergency rulemaking is due to the numerous emergency rulemakings it has undertaken. From January 27, 2009, the

date of filing the first emergency action (OAL File No. 2009-0127-01 E) the Department has subsequently had approximately 30 effective emergency rulemakings. The Department's Division of Plant Health and Pest Prevention Services is responsible for these emergency rulemakings, and due to budget constraints, currently only has one staff position fully capable of working on these rulemakings and another staff person has been in training since July 1, 2009. The Department submitted a "Notice" package (OAL Notice File Number Z-2009-00714-11) which was published on July 24, 2009. The written comment period for this Notice will expire on September 7, 2009. This is after the Certificate of Compliance is due for these emergency actions.

The light brown apple moth (*Epiphyas postvittana*) was first detected in California on February 27, 2007 in Alameda County and on March 7, 2007, the light brown apple moth (LBAM) was first detected in Contra Costa County. Through the deployment of delimiting detection traps, numerous additional adult male moths were trapped in both counties. As a result, the Department adopted an emergency regulation, Section 3591.20, which became effective on March 21, 2007. The Department continued to deploy detection traps in additional counties. As a result of multiple detections of LBAM, the Department amended Section 3591.20 to add the counties of Marin and San Francisco (effective April 3, 2007); Santa Clara County (effective April 20, 2007); Monterey, San Mateo and Santa Cruz counties (effective April 23, 2007); and, Napa County (effective June 5, 2007). The Department also proposed the emergency adoption of Section 3434, Light Brown Apple Moth Interior Quarantine (effective April 20, 2007). Emergency amendments to Section 3434 were subsequently made adding portions of Alameda, Contra Costa, Marin, Monterey, San Benito, San Mateo and Santa Cruz counties (effective June 6, 2007) and Napa County (effective June 7, 2007).

On May 2, 2007, the United States Department of Agriculture (USDA) issued a federal order regulating the interstate movement of host material from the infested areas of

California and all of Hawaii (The last federal order issued was on April 28, 2008 and included Sonoma and Santa Barbara counties.).

On June 21, 2007, emergency amendments to the State regulation were effective adding portions of Alameda, Monterey and Santa Cruz counties; and, including all harvested fruits and vegetables as regulated commodities. On July 18, 2007, emergency amendments were effective adding portions of Alameda, Contra Costa, Los Angeles, Marin, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano counties. On August 21, 2007, emergency amendments were effective adding additional portions of the counties of Alameda, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Solano. On September 28, 2007, emergency amendments were made, primarily to merge some of the regulated areas of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara counties into one regulated area. On November 8, 2007, an emergency amendment became effective which increased the regulated areas of Half Moon Bay and Pescadero, San Mateo County; and, the jointly regulated areas of Monterey and Santa Clara counties. Emergency amendments were made adding (San Mateo and Santa Clara counties) and removing areas (Los Angeles, Marin, Monterey, Napa and Santa Clara counties - effective November 29, 2007); removing an area (Oakley, Contra Costa County - effective December 3, 2007); and , on December 21, 2007, several expansions became effective for areas in Contra Costa, San Mateo and Santa Clara counties. Subsequent emergency amendments were made expanding or removing existing regulated areas which were effective on February 4, February 8, March 12, March 17, March 21, April 8 and 18, May 2 and 7, 2008 and establishing the Sonoma area of Sonoma County (effective May 2, 2008). On May 15, 2008, a new regulated area was established in the Martinez area of Contra Costa County; and, areas were expanded in the Vallejo area of Solano County, the Mountain View, Palo Alto and San Jose areas of Santa Clara County and the Belmont, Redwood City and San Carlos areas of San Mateo County. Subsequent emergency amendments were made effective May 23, June 11 and 16, and on July 11 and 28, August 13 and 18, 2008.

In late October 2007, the USDA established a new regulatory protocol which was distributed to county agricultural commissioners as "Phytosanitary Advisory No. 31-2007." This regulatory protocol was adopted based upon the recommendations of the LBAM Technical Working Group (TWG). The purpose of the protocol is to determine when it is appropriate to initiate or remove interstate regulatory restrictions pertaining to LBAM in response to new detections or the elimination of incipient LBAM populations. A key component of this regulatory protocol is the revision of the triggers for initiating a regulated area. Under the recommendations of the TWG, a single detection (trapping) of a male LBAM more than three miles from another male LBAM, no longer warrants a quarantine response. This is contingent upon the deployment of LBAM traps at the appropriate delimitation levels in buffer areas surrounding the single detection. Prior to this regulatory protocol, the detection of a single LBAM was the agreed upon trigger for initiating a quarantine area. The Department reviewed and concurs with this new protocol and is applying the same criteria contained in it to initiate or remove LBAM regulatory restrictions pertaining to the intrastate movement of regulated articles and commodities.

The Department uses Geographic Information Systems (GIS) mapping programs to plot the locations of all the detections of LBAM. As a result, based upon the criteria contained in the USDA regulatory protocol, the Department determined that there are new infestations of LBAM requiring the expansion of regulated areas.

Amendment Effective February 5, 2009

On September 23, 2008 (California Pest and Damage Record (PDR) #1495255) an adult male LBAM was trapped in the Greenfield area of Monterey County. On October 7, 2008, an adult male LBAM was trapped in the Greenfield area of Monterey County. On December 4, 2008 (PDR #1489775), an adult male LBAM was trapped in the Greenfield area of Monterey County. These LBAM were trapped within three miles of each other and within one life cycle. This met the regulatory protocol for expanding the quarantine area in

these areas of Monterey County. Additionally, the Department discovered an error in the geocoded latitude and longitude coordinates for PDR #s 1495255 and 1410128. The Department determined new latitude and longitude coordinates for PDR #s 1495255 and 1410128 by taking handheld readings at the point of detection which resulted in the point of detection actually being plotted to the southeast (PDR #1495255) and east (PDR #1410128) of the original coordinates. Therefore, the regulated area was expanded in these directions.

On November 17, 2008 (PDR # 1508355), an adult male LBAM was trapped in the Moss Beach area of San Mateo County. On November 25, 2008 (PDR # 1542498), an adult male LBAM was trapped in the Montara area of San Mateo County. These LBAM were trapped within three miles of each other and within one life cycle. This met the regulatory protocol for expanding the quarantine area in these areas of San Mateo County.

On November 24 (PDR # 1542489), December 3 (PDR # 1542557), December 12 (PDR #s 1538603 and 1542880) and December 17, 2008 (PDR #1542794), adult male LBAM were trapped in the Novato area of Marin County. On November 26, 2008 (PDR # 1542503), an adult male LBAM was trapped in the Fairfax area of Marin County. On December 1, 2008 (PDR # 1538586), an adult male LBAM was trapped in the Fairfax area of Marin County. On December 10 (PDR # 1542879) and December 17, 2008 (PDR #1543206), an adult male LBAM was trapped in the Mill Valley area of Marin County. On December 10, 2008 (PDR # 1542881), an adult male LBAM was trapped in the Marinwood area of Marin County. These LBAM were trapped within three miles of each other and within one life cycle. This met the regulatory protocol for expanding the quarantine area in these areas of Marin County. This expansion merged the regulated Novato area of Marin County into the contiguous regulated area.

On December 1, 2008 (PDR #1489630), an adult LBAM was trapped in the San Juan Bautista area of San Benito County. On December 5, 2008 (PDR #1489630), an adult

LBAM was trapped in the Aromas area of San Benito County. These LBAM were trapped within three miles of each other and within one life cycle. This meets the regulatory protocol for expanding the quarantine area in these areas of San Benito County.

This amendment expanded the contiguous regulated area in the Bay Area counties and in Monterey, San Benito and Santa Cruz counties by approximately 144 square miles. This amendment also expanded, by approximately 12 square miles, the regulated area surrounding the Greenfield area of Monterey County. This resulted in a total of approximately 2,252 square miles under regulation within the State. The effect of this amendment to the regulation was be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

Effective February 27, 2009

On October 7 (PDR #1507313) and November 12 (PDR #1518625), 2008; and, on January 5, 2009 (PDR #1519559) adult male LBAM were trapped in the Half Moon Bay area of San Mateo County. On November 11, 2008 (PDR #1508573), an adult male LBAM was trapped in the Redwood City area of San Mateo County. On December 4, 2008 (PDR #1542762), an adult male LBAM was trapped in the Woodside area of San Mateo County. On December 8, 2008 (PDR #1542810), an adult male LBAM was trapped in the San Carlos area of San Mateo County. On January 13, 2009 (PDR #1509624), an adult male LBAM was trapped in the San Mateo area of San Mateo County. These LBAM were trapped within three miles of each other and within one life cycle. This met the regulatory protocol for expanding the quarantine area in these areas of San Mateo County.

On January 12, 2009 (PDR # 1543398), an adult male LBAM was trapped in the Campbell area of Santa Clara County. On January 21, 2009 (PDR # 5000054), an adult male LBAM was trapped in the Cupertino area of Santa Clara County. These LBAM were trapped

within three miles of each other and within one life cycle. This met the regulatory protocol for expanding the quarantine area in these areas of Santa Clara County.

On October 7, (PDR # 1507338) and December 12, 2008 (PDR # 1536205); and, February 2 (PDR# 5000365) and 3 (1529773), 2009, adult male LBAM were trapped in the Salinas area of Monterey County. These LBAM were trapped within three miles of each other and within one life cycle. This met the regulatory protocol for expanding the quarantine area in this area of Monterey County.

This amendment expanded the regulated area in Monterey, San Mateo and Santa Clara counties by approximately 80 square miles. This resulted in a total of approximately 2,332 square miles under regulation within the State. The effect of this amendment was to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

LBAM is a highly polyphagous pest that attacks a wide number of fruits and other plants. Hosts occurring in California that are of significant agricultural or environmental concern include, but are not limited to: alder, alfalfa, apple, apricot, avocado, blueberry, blackberry, broccoli, cabbage, camellia, cauliflower, ceanothus, chrysanthemum, citrus, clematis, clover, columbine, cottonwood, currant, cypress, dahlia, ferns, fir, geranium, grape, hawthorn, honeysuckle, kiwi, lupine, madrone, mint, oak, peach, pear, peppers, persimmon, poplar, potato, raspberry, rhododendron, rose, sage, spruce, strawberry, walnut and willow. It is an insect species that feeds upon over 250 species of native and ornamental plants. The general area of infestation contains numerous sensitive plant species and habitats. There is a threat for adverse consequences to some of these sensitive species if LBAM becomes permanently established in California.

Prior to the infestations here, this species had a relatively restricted geographic distribution, being found only in portions of Europe, Oceania and Hawaii. The pest is native to Australia

but has successfully invaded other countries. The likelihood and consequences of establishment by LBAM have been evaluated in pathway initiated risk assessments. LBAM was considered highly likely of becoming established in the United States and the consequences of its establishment for United States agricultural and natural ecosystems were judged to be severe. The United States Department of Agriculture, Animal Plant and

Health Inspection Service (USDA, APHIS) estimated that approximately 80 percent of the continental United States may be climatically suitable for LBAM.

In its native habitat of Australia, LBAM generally completes three generations annually. More than three generations can be completed if temperatures and host plants are favorable. In southeastern Australia where it is warmer, four generations can be completed. In contrast, two generations occur in Tasmania, New Zealand and in Great Britain. In Australia, generations do not overlap, but they do in Great Britain. As the population builds, LBAM is more abundant during the second generation. Therefore, the second generation causes the most economic damage as larvae move from foliage to fruit. The size of the third generation is typically smaller than the previous two due to leaf fall (including attached larvae) as temperatures decline in autumn. LBAM does not diapause and its continued development is slowed under cold winter temperatures. In cold climates, the pest overwinters as larvae. Because LBAM causes damage in a wide range of climate types in Australia, pest status is not dictated by climate.

LBAM causes economic damage from feeding by caterpillars, which may:

- destroy, stunt or deform young seedlings;
- spoil the appearance of ornamental and native plants; and
- injure deciduous fruit-tree crops, citrus and grapes.

Based upon losses in Australia, annual losses in California are expected to be much higher as the agricultural sector is larger and more variable. Additionally, LBAM, if not eradicated,

will cause economic damage to California's export markets due to the implementation of quarantines by foreign and state governments.

Where it occurs, LBAM is difficult to control with sprays because of its leaf-rolling ability, and because there is evidence of resistance due to overuse of the same insecticides. Conifers are damaged by needle-tying and chewing. Larvae have been found feeding near apices of Bishop Pine seedlings where they spin needles down against the stem and bore into the main stem from the terminal bud. LBAM constructs typical leaf rolls (nests) by webbing together leaves, a bud and one or more leaves, leaves to a fruit, or by folding and webbing individual mature leaves. During the fruiting season, they also make nests among clusters of fruits, such as grapes, damaging the surface and sometimes tunneling into the fruits. During severe outbreaks, damage to fruit may be as high as 85 percent.

Egg masses are most likely to be found on leaves. The larvae are most likely to be found near the calyx or in the endocarp; larvae may also create "irregular brown areas, round pits, or scars" on the surface of a fruit. Larvae may also be found inside furled leaves, and adults may occasionally be found on the lower leaf surface.

LBAM is an actionable pest for the USDA, APHIS and requires the Australian Quarantine and Inspection Service to take corrective actions to prevent this pest from being associated with apples, citrus, pear fruits and other host commodities being exported to the United States. Host fruit exported from New Zealand faces similar restrictions by USDA, APHIS and the New Zealand Ministry of Forestry and Fisheries is responsible for any corrective actions at origin. Any host commodity arriving in the United States that is infested with or contaminated by LBAM is issued a Federal Emergency Action Notice and must be either destroyed, reexported or undergo an appropriate quarantine treatment prior to its release into the United States commerce. Canada and Japan also treat LBAM as a quarantine action pest. The People's Republic of China requires all host fruit imported to originate from orchards that are free from LBAM.

Wherever LBAM occurs in association with vineyards, it is considered to be a very important agricultural pest. Unless properly managed, LBAM causes substantial risk to crop yield and quality by causing both direct and indirect damage. Emerging larvae in the spring may feed upon both the flowers and newly set fruitlets causing a direct loss in yield. Later in the year, LBAM larvae feeding on maturing fruit can cause indirect loss by introducing botrytis infections into the grape bunches. As an example, in 1992 in Australia, 70,000 larvae per hectare were documented and caused a loss of 4.7 tons of Chardonnay fruit. Damage in the 1992-93 Chardonnay season at Coonawarra, southern Australia, cost $2,000 per hectare.

In South Australia, LBAM is also a significant pest of apricots and can attack other stone fruit. Peaches are also damaged by feeding that occurs on the shoots and fruit.
The first generation (in spring) causes the most damage to apples while the second generation damages fruit harvested later in the season. Some varieties of apples such as 'Sturmer Pippin' (an early variety), 'Granny Smith' and 'Fuji' (late varieties) can have up to 20 percent damage while severe attacks can damage up to 75 percent of a crop.

In Australia, when insecticides are not applied, typically between 5 percent to 20 percent of fruit is damaged, but this can exceed 30 percent. In New Zealand, damage to unsprayed crops commonly reaches 50 percent (Wearing et al., 1991). More information regarding potential economic impact in California may be found in the environmental assessment prepared by USDA at www.aphis.usda.gov/plant_health/ea/downloads/lbam_ea_sc.pdf. In 10 of California's affected counties, it is estimated that LBAM could cause $160 to $640 million in losses. These estimates were derived from the agricultural impacts in Australia and New Zealand. This estimate does not include economic costs to the nursery industry nor to other significant host crops in California such as apricots, avocados, kiwifruit, peaches, etc., grown in other counties.

Exact economic impacts on international and domestic exports are uncertain at this time. California is the nation's leader in agricultural exports and in 2003 shipped more than $7.2 billion in both food and agricultural commodities around the world. Some countries have specific regulations against this pest, and many others consider it a regulated pest that would not be knowingly allowed to enter. Additional measures, such as preharvest treatments and postharvest disinfestation, would likely have to be taken to ensure that shipments to these countries are free from LBAM. In addition, LBAM is an exotic pest, i.e., it is not established in the continental United States, and therefore other states within the United States would likely impose restrictions on the movement of potentially infested fruits, vegetables and nursery stock. These restrictions could severely impact the domestic marketing of California agricultural products.

The majority of California does have a climate which would favor the LBAM. Additionally, LBAM may have seven or more generations under some California climatic conditions. If unchecked, this would enable LBAM to build higher population levels in California. Given the known economic damages occurring in LBAM's present range, its potential damage to California's environment and agricultural industry could be devastating, especially without adequate control measures.

This proposed change would expand existing regulated areas by approximately nine square miles in the counties of Contra Costa, San Mateo and Solano. This would make a total of approximately 1,723 square miles under regulation within the State. The effect of this proposed change to the regulation will be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

Unless the State's LBAM regulation is substantially the same as the LBAM federal regulation and orders, the USDA cannot regulate less than the entire State. As an example, on January 11, 2008, the USDA issued a Federal Order that expanded its citrus greening (CG) quarantine to encompass the entire State of Florida. This action was a result

of the USDA confirming detections of CG in two new Florida counties: Lake and Hernando. Following discussions with the State of Florida, the USDA determined that parallel quarantine actions proposed by the State of Florida were not adequate and, therefore, it was necessary to impose statewide restrictions on the movement of all live host plants and host plant parts from Florida.

Therefore, as there are commercial nurseries located within the proposed regulated area, this emergency amendment to Section 3434 is also necessary to ensure the State's regulation continues to be substantially the same as the federal order issued April 28, 2008, which includes the October 2007 regulatory protocol.

To prevent the spread of the LBAM to non-infested areas in order to protect California's agricultural industry and environment, it is necessary to begin quarantine activities against the LBAM immediately. Therefore, it is necessary to amend this regulation as an emergency action.

The Department also relied upon the following documents for this proposed rulemaking action:

OAL File Nos. 2009-0127-01 E and 2009-0217-01 E which are incorporated by reference.

Authority and Reference Citations:
Authority: Sections 407 and 5322, Food and Agricultural Code.
Reference: Sections 407 and 5322, Food and Agricultural Code.

Informative Digest

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322).

Section 3434. Light Brown Apple Moth Interior Quarantine.

Amendment Effective February 5, 2009

This amendment expanded the contiguous regulated area in the Bay Area counties and in Monterey, San Benito and Santa Cruz counties by approximately 144 square miles. This amendment also expanded, by approximately 12 square miles, the regulated area surrounding the Greenfield area of Monterey County. This resulted in a total of approximately 2,252 square miles under regulation within the State. The effect of this amendment to the regulation was be to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

Amendment Effective February 27, 2009

This amendment expanded the regulated area in Monterey, San Mateo and Santa Clara counties by approximately 80 square miles. This resulted in a total of approximately 2,332 square miles under regulation within the State. The effect of this amendment was to establish authority for the State to perform quarantine activities against LBAM (*Epiphyas postvittana*) in these additional areas.

Mandate on Local Agencies or School Districts

The Department of Food and Agriculture has determined that Section 3434 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because the affected county agricultural commissioners requested that these changes to the regulation be made.

Cost Estimate

The Department has also determined that the regulation will involve no additional costs or savings to any state agency because initial funds for state costs are already appropriated, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable savings to local agencies or costs or savings to school districts under Section 17561 of the Government Code and no costs or savings in federal funding to the State.